

# Office of the Government of the Czech Republic

Minister for Human Rights, Equal Opportunities  
and Legislation



Czech Republic 2015

## **Mid-Term Self-Assessment Open Government Partnership Action Plan Report of the Czech Republic 2014 - 2016**

Author: Minister for Human Rights, Equal Opportunities and Legislation

Prague, 2015



## Contents

1	Introduction.....	3
2	Method of approving the National Action Plan of the Czech Republic.....	3
2.1	Public consultations.....	4
3	IRM Recommendations.....	4
4	Implementation of National Action Plan commitments.....	5
4.1	II/1 Adoption of the new Act on Civil Service ensuring depoliticisation, professionalization and stabilisation of public administration and its implementation into practice.....	5
4.2	II/2 Streamlining the system of free access to information.....	11
4.3	II/3 Improving access to data and information.....	14
5	Progress on Eligibility Criteria.....	18
6	Peer Exchange and Learning.....	18
6.1	Conference of the national contact points in OGP member countries.....	18
6.2	Discussions with the European Commission.....	19
6.3	Conference organized by the Ministry of Interior.....	19
7	Conclusions, Other Initiatives and Next steps.....	19
7.1	Lesson learned.....	19
7.2	Other initiatives.....	20
7.3	Next steps.....	20
7.4	Conclusion.....	21
8	Annex.....	22
8.1	Published legislation and legislation being drafted.....	22

## 1 Introduction

The Open Government Partnership (hereafter the “**OGP**”) is a voluntary initiative of the US government aimed at supporting openness, transparency, combating corruption and increasing civic participation. Czech Republic joined this international initiative by its Resolution of 14 September 2011 No. 691 with the objective of transforming state institutions into more open, efficient and responsible institutions. By gradually meeting its commitments, the Czech Republic attempts to primarily respond to two of the five key challenges of the OGP, i.e. to significantly increase integrity in public administration and to manage public funds more efficiently. Meeting these commitments will result in fulfilling all four core values within the OGP – transparency, civic participation, accountability, and finally, technology and innovations for openness and accountability. The objective that the Czech Republic pursues is to considerably increase transparency of public administration processes and to simplify access to information and data that are available to public administration institutions. Making this information increasingly available will enable the general public to better orient itself in the public administration activities and thus have a better control over its management, but also to involve the public in decision-making processes on the national level.

## 2 Method of approving the National Action Plan of the Czech Republic

The first **Czech Republic Open Government Partnership Action Plan** was approved by the Czech government on 4 April 2012 by Resolution No. 243 and represented the first document which defined the three chief commitments on the part of the Czech government:

- **II/1 adoption of a new Act on Civil Service ensuring depoliticisation, professionalization and stabilisation of public administration and its implementation into practice;**
- **II/2 streamlining the system of free access to information;**
- **II/3 improving access to data and information.**

These commitments responded to the priorities then defined in the “**Government Anti-Corruption Strategy for years 2011 and 2012**”, as well as to the requirements formulated primarily by non-governmental organizations. Thorough consultations took place before these commitments were adopted, including an interactive questionnaire and a public workshop where representatives of public administration sector and non-profit non-governmental organizations and academia participated. General public was informed about the course of preparation of the National Action Plan (NAP) and had an opportunity to comment on the areas concerned. The said areas of concern were then adopted as the chief commitments within the National Action Plan.

Subsequent fulfilment of these commitments had been described in the “**OGP National Action Plan Assessment 2012 and its updates**” (hereafter the “**2012 Report**”). This document concluded that the formerly defined commitments had not been fulfilled. The 2012 Report had been approved by the Czech government on 19 June 2013 by its Resolution No. 477, which integrated all three commitments into Chapter III with the title **Updated OGP National Action Plan of the Czech Republic** (hereafter the “**Updated NAP**”). The OGP Steering Committee received the 2012 Report and the Updated NAP on 28 June 2013.

Based on the above mentioned Resolution and the task defined therein, the Minister for Human Rights, Equal Opportunities and Legislation submitted an information to the Czech government on the achieved fulfilment of commitments under the Czech OGP National Action Plan as well as on the further involvement of the Czech Republic with the OGP initiative along with the innovated Action Plan, which adopted the commitments defined in the original Action Plan, as updated pursuant to the degree of their fulfilment. This OGP National Action Plan of the Czech Republic 2014 - 2016 (hereafter the “Second Action Plan”), which forms a basis for this Mid-Term Self-Assessment Report, was consequently approved by the Czech government on 12 November 2014 by its Resolution No. 929.

Due to retaining the original commitments, which were defined during the course of consultations when the original NAP had been created, the consultation process during formulating the Second Action Plan (SAP) did not involve the general public. SAP has been created, among other, pursuant to the recommendations of the **OGP Independent Reporting Mechanism** (hereinafter the “IRM”), which concluded, in its report entitled “**Czech Republic: 2012-2013 Development Report**” that each of the three defined commitments had been fulfilled only in limited degree. The updated commitments also responded to the tasks defined in the Programme Declaration promulgated by the Bohuslav Sobotka’s government, which were then projected into the Government Anti-Corruption Conception 2015 - 2017 and into the Anti-Corruption Action Plan 2015. The objective of the SAP 2014 - 2016 is to achieve fulfilment of the originally adopted commitments within the prescribed period.

## 2.1 Public consultations

The “Mid-Term Self-Assessment Open Government Partnership Action Plan Report of Czech Republic 2014 – 2016” (hereafter the “Self-Assessment Report”) was submitted to the general public on 31 August 2015 for two-week consultations. The consultations process was published on the Czech Republic government’s website [www.vlada.cz](http://www.vlada.cz) and at the Government Anti-Corruption Council at [www.korupce.cz](http://www.korupce.cz). The general public did not take the opportunity to consult during the provided period (31 August – 14 September 2015). The Self-Assessment Report had been consulted within the working committee chaired by the Chairman of the Government Anti-Corruption Council with regard to transparency of the state administration, and had been subsequently noted by the committee and also by the Government Anti-Corruption Council. The Government Anti-Corruption Council may be considered, due to its compositions including, besides the state administration representatives, also NGOs and entrepreneur’s associations, local governments and members of the academia, a “multi-stakeholder forum” within the meaning of OGP requirements. The public consultations did not produce any considerable comments, which could be expounded on within this Self-Assessment Report.

## 3 IRM Recommendations

The first IRM report was published in April 2013 after completion of the first twelve-month implementation Action Plan cycle. This document bears the title “Czech Republic: 2012-2013 Development Report.” The Report concluded that commitments are fulfilled only in limited degree as well as containing recommendations how to improve this situation in the future. The Second Action Plan (SAP) integrated most of these IRM recommendations. The

objective was to prepare a high-quality National Action Plan, which would quickly and efficiently fulfil the previously defined commitments.

- **II/1 Adoption of the new Act on Civil Service ensuring depolitisation, professionalization and stabilisation of public administration and its implementation into practice**

The coalition government of Bohuslav Sobotka promulgated a Programme Declaration, which included as one of its priorities adoption of a functional and high-quality Act on Civil Service including its implementation. The said Act came into force on 1 January 2015. Pursuant to IRM recommendations this meant that the Czech Republic fulfilled the requirement of better declaration of general objectives in line with the OGP commitments to increase public accountability. In addition, this also resulted in a more precise formulation of separation of political and civil service posts, as well as in creation of unified systemization rules, which will be subsequently updated during adoption of implementing regulation to the Act. All subsequent processes will follow the schedule contained within the adopted Act and related implementing and civil service regulation, which shall ensure depolitisation, professionalization and stabilisation of public administration.

- **II/2 Streamlining the system of free access to information**

IRM recommendations concluded that the contents of the original commitment may be used for the amendment of the Act on Free Access to Information and thus also for the improvement of this free access. Authors of the said amendment made several changes following the IRM recommendations. One of them involved a more detailed elaboration of the bill with respect to the newly adopted Directive of the European Parliament and the Council 2013/37/EU, whose transposition will result in increased efficiency of public administration, its openness towards citizens, transparency and faster access to information by the general public.

- **III/3 Improving access to data and information**

The chief IRM recommendation asked for creation of a unified coordination strategy for the central state administration bodies, which should facilitate subsequent process of fulfilling this commitment. The Second Action Plan thus reflected these recommendations in including creation of such guidelines. As of the date hereof the draft of these guidelines is being finalised. We are also in the process of drafting a bill defining a detailed timeline for the fulfilment of this commitment, as recommended by the IRM.

## **4 Implementation of National Action Plan commitments**

### **4.1 II/1 Adoption of the new Act on Civil Service ensuring depolitisation, professionalization and stabilisation of public administration and its implementation into practice**

Adoption of the new Act No. 234/2014 Coll., on Civil Service, ensuring depolitisation, professionalization and stabilisation of public administration, represents a very important commitment for the Czech Republic, which is based on core values of the OGP as well as the Action Plan, respectively the Second Action Plan, which also forms a part of the current Czech government Programme Declaration and other government anti-corruption documents (the Government Anti-Corruption Conception for the Years 2015 to 2017, the Anti-Corruption

Action Plan for 2015). The Act was promulgated on 6 November 2014, when certain of its provisions took legal effect, while the Act as a whole came into force on 1 January 2015. The Act is being implemented into practice primarily by systemization of civil service posts and work posts, clear separation of civil service and political positions, by starting Civil Service Information System etc. The implementing regulations have also been adopted (please the Annex hereto). IRM recommendations were duly considered when drafting the present Act.

Given the rather extensive scope of the Act we anticipate that the related commitment will be fully completed only in 2017. Before that we need to complete, at all individual civil service authorities, competition and recruitment of the state secretaries pursuant to the Act's transition provisions, define and pass civil service examinations for civil servants and to draft a bill regulating civil service identity cards. Considering that the new Act No. 234/2014 Coll., on Civil Service already came into force, and considering that only one piece of implementing regulation to be drafted remains, we may declare this commitment to have been completed in substantial degree.

<b>II/1 Adoption of the new Act on Civil Service ensuring depolitisaticisation, professionalization and stabilisation of public administration and its implementation into practice</b>		
<b>RESPONSIBILITY</b>	<b>LEADING IMPLEMENTING AGENCY</b>	Ministry of the Interior
	<b>RESPONSIBLE PERSON</b>	Josef Postránecký
	<b>TITLE / DEPARTMENT</b>	Deputy Minister of the Interior for the Civil Service
	<b>CONTACT PERSON</b>	Kateřina Vojtová
	<b>TITLE / DEPARTMENT</b>	Office of the Deputy Minister of the Interior for the Civil Service
	<b>E-MAIL</b>	statnisluzba@mvcv.cz
	<b>TELEPHONE</b>	974 818 220
<b>OTHER PLAYERS</b>	<b>CO-LEADING IMPLEMENTING AGENCY</b>	Ministry of Labour and Social Affairs, Ministry of Education, Youth and Sports, Ministry of Foreign Affairs
	<b>OTHER</b>	Civil Service Authorities
<b>MAIN OBJECTIVE</b>	ensure depolitisaticisation, professionalization and stabilisation of public administration	
<b>BRIEF DESCRIPTION OF COMMITMENT</b> <i>(140 character limit)</i>	<ul style="list-style-type: none"> <li>depolitisaticisation – transparent competition and recruitment, civil service post is not dependent on political changes (e.g. changes within the government composition) and setting up a more rigid process by approved systemization of civil service posts and work posts of employees guarantees that ad hoc organizational changes are more difficult to implement</li> <li>stabilisation – career advancement system motivating civil servants to remain in civil service</li> <li>professionalization – civil service examination and assessment, system of continuous training of civil servants</li> </ul>	



<p><b>RELEVANCE</b> (Brief description how this commitment is relevant to advancing OGP values)</p>	<p>Information for civil service authorities and the general public are already available at <a href="http://www.mvcr.cz/sluzba">www.mvcr.cz/sluzba</a>. This website contains relevant laws, opinions, methodological guidelines, civil service regulations, forms, frequently asked questions. A monthly newsletter 'Civil Service' is published in electronic version and in hardcopy, as a part of the Public Administration Bulletin.</p> <p>Regular meetings and guideline workshops are taking place involving representatives of civil service authorities. Professional public and representatives of civil service authorities, unions and other stakeholders participate in drafting legislation, guidelines.</p> <p>In addition, there are regular meeting with the European Commission (EC) and representatives of civil service authorities of the Czech Republic. Czech Republic consulted drafting of implementing regulations with the EC and EC is overseeing proper implementation of the Act on Civil Service.</p> <p>A Civil Service Information System (CSIS) has been put into operation on 1 July 2015 at <a href="https://portal.isoss.cz/">https://portal.isoss.cz/</a>; this portal is intended for the use by the general public and by the civil service authorities. Citizens may find information on completed civil service examinations, which includes publicly available overview of civil servants, who completed a civil service examination for specific fields of civil service. CSIS also contains a list of vacant civil service posits, which contains information of competition and recruitment to those positions, as well as a portal where one may apply for the civil service examination, providing information on dates, locations and times for examinations for individual positions.</p> <p>The fundamental requirement for meeting the core values of public accountability are the competition and recruitment pursuant to the Civil Service Act. The following positions were staffed since 1 January 2015 pursuant to the said Act:</p> <ul style="list-style-type: none"> <li>• Deputy Minister for the Civil Service (February 2015),</li> <li>• Human Resources Director for the Civil Service (March 2015),</li> <li>• State Secretaries (March – June 2015) and</li> <li>• Recruitments are also running for civil service authorities heads.</li> </ul> <p>The important factor is to introduce the individual field of civil service, both for the purposes of meeting required professional competences and to facilitate civil service examinations for specific positions, and also to establish the right of a civil servant to refuse execution of a task, which falls outside his fields of civil service. Citizens may verify, using CSIS, whether the civil servant they communicate with, duly completed the required examination in that specific field of civil service.</p> <p>Another important measure in this area is introduction of civil service assessment, which will be performed annually, and which will be reviewable; should such assessment result in declaration of insufficient performance, another assessment will take place within the next 6 months and of there exists a repeated insufficient performance such fact will establish a reason for termination of civil service status. A similar function is fulfilled by disciplinary responsibility of the civil servant and disciplinary procedures in case of dereliction of duty by a civil servant or</p>
---	--



	senior civil servant.			
	At the same time, we have implemented measures facilitating whistleblowing, and the competent civil service authorities appointed the so-called investigators, who will review any reports concerning suspicion of illicit activities in civil service.			
	In order to ensure stabilization, the government approved on 15 June 2015 Resolution No. 465 on the first systemization within the meaning of the Act on Civil Service, and the budgetary measures include provisions for systemization in 2016.			
	<b>OGP VALUES</b>			
	<b>ACCESS TO INFORMATION</b>	<b>CIVIC PARTICIPATION</b>	<b>RESPONSIBILITY</b>	<b>TECHNOLOGIES A INNOVATIONS</b>
	Publishing information on vacant service posts; singing up for civil service examinations; information on passed examinations; Publication of information at the dedicated website and answers to questions.	Involvement of the professional public and the civil service authorities; provision of information at websites.	Competition to Fill a Vacant Civil Service post; field of civil service; assessment; disciplinary responsibility; whistleblowing	CSIS, with a part dedicated to the public and a part dedicated to civil service authorities.
<b>AMBITION</b> <i>(intended policy results - how the commitments helps openness or how the openness improves governance)</i>	<ul style="list-style-type: none"> <li>Perception of the state administration by the general public as a professional, stable and politically independent body, which is transparent and efficient in service it provides.</li> <li>Expedient and extensive provision on information ensuring maximum degree of information that is available to professional and lay public.</li> <li>Involvement of the general public in ex post evaluation of legislation in the area of civil service.</li> </ul>			
<b>COMPLETION LEVEL</b>	<b>NOT STARTED</b>	<b>LIMITED</b>	<b>SUBSTANTIAL</b>	<b>COMPLETED</b>
			<b>X</b>	
<b>DESCRIPTION OF THE RESULTS</b>	<ul style="list-style-type: none"> <li>Adoption of Act No. 234/2014 Coll., on Civil Service and its promulgation on 6 November 2014; the Act became entirely effective on 1 January 2015.</li> <li>The organizational structure within the Ministry of the Interior now incorporates Section for the Civil Service, with two departments.</li> <li>Implementing regulation published on 1 July 2015 defining fields of civil service, defining rules for organization of civil service authorities; defining details of civil servants' assessments and the link between assessment and the personal benefits; defining instances when civil</li> </ul>			





servants may be employed for a definite period of time; rules for performance of civil service from other locations and rules for creating conditions for work life balance with civil service; rules defining impediments in civil services under which civil servants are entitled to a salary, on equality of certain examinations and professional qualifications in the special part of the civil service examination; on measures related to; whistleblowing at a service authority on performance of civil service outside of the Czech Republic during public holidays; on details of civil service examinations; on Czech language examination for applicants applying for a position within the civil service, who are not citizens of the Czech Republic. A Decree defining diplomatic and consular positions (see Annex) is also being prepared and is close to completion. Decree defining the form of civil service identity card will be drafted in the following period.

- **The following positions were staffed** since 1 January 2015 pursuant to the said Act – (completed)
  - Deputy Minister for the Civil Service (February 2015), appointed by the government,
  - Human Resources Director for the Civil Service (March 2015), appointed by the government,
  - State Secretaries (March – June 2015), appointed by the Deputy Minister for the Civil Service,
  - The existing management positions – who are considered, as of 1 July 2015, to be civil servants, who are ex lege subject to the Act on Civil Service; these are undergoing swearing in ceremonies (by 31 August 2015).
- **The first systemization pursuant to the Act on Civil Service** – approved by the government on 15 June 2015 by Resolution No. 465.
- Creation of the **Civil Service Information System**; intensive communication and cooperation with ICT professional, personnel departments of the civil service authorities and suppliers of HR systems.
- **Civil Service Examinations** – formulation of questions for the general and special part of the examination, setting up CSIS for logging applications for examinations, definition of competences for the special parts of the examination, preparation of guidelines.
- **Whistleblowing** – appointment of investigators at individual civil service authorities, setting up a system for reviews of notifications, drafting of guidelines.
- **Conditions for work life balance with civil service** – drafting guidelines, forms agreements on performance of civil service from other locations.
- **Professional management** of civil servants by coordinating activities, organizing regular meetings, publication of interpretative opinions and forms, cooperation within the framework of a working group, drafting of **guidelines** regarding individual areas of the Act on Civil Service, issue of **civil service rules** and controls.
- Regular **meetings** concerning implementation of the Act on Civil



	<p><b>Service with state secretaries, representatives of the European Commission.</b></p> <ul style="list-style-type: none"> <li>• Regular meetings with <b>representatives of civil service authorities</b> (especially HR departments) at working rules – methodological meetings, working groups, consultations.</li> <li>• Providing answers to <b>numerous questions</b>, publication of FAQ at dedicated websites.</li> <li>• Consultations with co-leading implementing agencies concerning questions and interpretations.</li> </ul>
<b>END DATE</b>	30 June 2017
<b>NEXT STEPS</b>	<ul style="list-style-type: none"> <li>• Drafting a bill for systemization of civil service authorities by 1 January 2016 pursuant to Section 184 paragraph 3 of Act No. 234/2014 Coll., on Civil Service, whose objective is to detail civil service posts of civil servants and work posts of employees and its submission to the government. Drafting systemization measures for the following years (prepared always in Q3 and Q4).</li> <li>• Controls pursuant to the Act on Civil Service (civil service status, evaluations of compliance with systemization of civil service posts, controls of creating conditions for work life balance with civil service); continuous controls.</li> <li>• Staffing the civil service posts of civil servants and recruitment for management positions pursuant to transition provisions of the Act on Civil Service (by 30 June 2016 and 30 June 2017).</li> <li>• Civil service examinations – general part – of the current employees pursuant to transition provisions of Act on Civil Servants (by 30 June 2017).</li> <li>• Appointment of new civil servants based on competition pursuant to Act on Civil Service and their duty to pass a civil service examination general and special part (from 1 July 2015).</li> <li>• Recognition of equality of examinations by civil service authorities (starting on 1 July 2015)</li> <li>• Practical implementation of Act on Civil Service – civil service decisions, investigations of reports submitted by whistle-blowers or disciplinary measures etc. (starting on 1 July 2015).</li> <li>• Development and extension of the CSIS and adding functionalities (by 1 January 2017).</li> </ul>
<b>ADDITIONAL INFORMATION</b>	
(Description on what remains to be achieved, risks and challenges to implementing the commitment)	
<ul style="list-style-type: none"> <li>• Staffing of civil service posts and Recruitment performed by civil service authorities <ul style="list-style-type: none"> <li>– Recruitment to be announced by 31 December 2015 and by 30 June 2016 the senior civil servant posts should be fully staffed (Deputy for management of the Section and Director of a Section),</li> <li>– Announcement of Recruitment by 30 June 2016 and by 30 June 2017 the senior civil service positions should be staffed (Department Directors and Unit Directors),</li> </ul> </li> </ul>	



- Current employees – were required to apply by 31 August 2015 to be accepted into civil service; the civil service authority shall decide on these applications by do 31 December 2015.
- Submit a draft proposal for systemization of civil service posts and work posts to the government by 1 January 2016 pursuant to Section 184 paragraph 3 of Act No. 234/2014 Coll., on Civil Service, and subsequent annual systemization measures. Risks threatening proper execution of competences of the civil service authorities:
  - frequent changes to systemization outside regular intervals,
  - changes to already systemized positions in connection with implementation of projects funded from European structural and investment funds,
  - changes to competences of the civil service authorities.
- Drafting implementing regulations:
  - Decree defining the form of civil service identity cards.
- Development and extension of the CSIS and adding functionalities.

#### 4.2 II/2 Streamlining the system of free access to information

Fulfilment of the commitment to streamline the free access to information system is the second of three commitments which were originally adopted within the National Action Plan of 2011. This commitment relates to value and core OGP challenges and forms a part of the Czech government's Programme Declaration as well as its anti-corruption documents. The objective is to make the data produced by public administration available to professional and general public in a manner, which will enable repeated use of this data for various purposes and in a number of software applications. In the Second Action Plan, this commitment was modified with respect to the adoption of Directive of the European Parliament and the Council 2013/37/EU, which requires that a set of rules is introduced allowing repeated use of documents (the so-called RE-USE principle) and facilitating access to such documents. This principle has been integrated into the bill No. 106/1999 Coll., on free access to information. Contrary to the previous versions of the bill, and thanks to the IRM recommendations, some of the institutions loose the right to refuse to provide information.

Given that the legislative process had been completed and the bill No. 106/1999 Coll. was adopted as Act No. 222/2015 Coll. dated 12 August 2015, amending Act No. 106/1999 Coll., on Free Access to Information, as amended; this Act was promulgated on 10 September 2015 in the Collection of laws, with effect as of that day; by this step, we may consider this commitment to have been fulfilled in substantial degree. The sole remaining step, which remains to complete this commitment in full, is the drafting of a guideline considering the implemented changes into the free access to information.

<b>II/2 Streamlining the system of free access to information</b>		
<b>RESPONSIBILITY</b>	<b>LEADING IMPLEMENTING AGENCY</b>	Ministry of Interior
	<b>RESPONSIBLE PERSON</b>	Jana Vildumetzová



	<b>TITLE / DEPARTMENT</b>	Deputy Minister of the Interior for the Management of the Public Administration Section		
	<b>CONTACT PERSON</b>	Tomáš Jirovec, Adam Furek		
	<b>TITLE / DEPARTMENT</b>	Dept. of Public Administration, Supervision and Control		
	<b>E-MAIL</b>	tomas.jirovec@mvcz.cz, adam.furek@mvcz.cz		
	<b>TELEPHONE</b>	974 816 447, 974 816 421		
<b>OTHER PLAYERS</b>	<b>SPOLEADING IMPLEMENTING AGENCY</b>	—		
	<b>OTHER</b>	—		
<b>MAIN OBJECTIVE</b>	Make data produced and collected by the public administration institutions accessible to professional and general public in a manner that will allow repeated use (re-use) of this data for various purposes and in a number of various software applications.			
<b>BRIEF DESCRIPTION OF COMMITMENT</b> <i>(140 character limit)</i>	Achieving greater efficiency of public administration, with respect to its openness toward the public and strengthening transparency and ensuring efficient access to information by the public.			
<b>RELEVANCE</b> <i>(Brief description how this commitment is relevant to advancing OGP values)</i>	Knowledge of facts and data forms a base for meaningful civic participation in decision-making processes in all areas of the public administration from territorial planning to inspection-related activities. Participation of the general public in public discussion without unnecessary administrative barriers ensures a more efficient public discussion over the key issues. Easy and administratively undemanding access by the public to information is key to fulfil this objective.			
	<b>OGP VALUES</b>			
	<b>ACCESS TO INFORMATION</b>	<b>CIVIC PARTICIPATION</b>	<b>RESPONSIBILITY</b>	<b>TECHNOLOGIES A INNOVATIONS</b>
	Provision of information gathered by the public sector in open, machine-readable format, where available, to the public, for extensive use.	Anchoring various possibilities to access information gathered by the public sector according to applicants' requests while emphasizing	Clearly defined statutory parameters establishing the obligation to provide information whether based on individual citizens' requests or pro-actively, while	Emphasis on the obligation to public information available to the public sector in opens, and where available, machine-readable formats, opens the possibility of



		the necessity to accommodate applicants, where possible, and the request does not represent inadequate burden for provider.	setting up a system a remedial measures to be available when these requests are not accommodated or control mechanisms in place to deal with breaches of the obligation to pro-actively provide information to the public.	utilising this information in commercial and non-profit sphere.
<b>AMBITION</b> <i>(intended policy results - how the commitments helps openness or how the openness improves governance)</i>	Openness of the public administration and provision / publication of information in formats allowing simpler processing and subsequent utilization will have positive influence on public control of administration, which will in effect create pressure for better quality and efficient management of public affairs and administration itself. We can also expect a positive effect on economy based on more intensive and efficient use of information produced by the public sector, by the private sector.			
<b>COMPLETION LEVEL</b>	<b>NOT STARTED</b>	<b>LIMITED</b>	<b>SUBSTANTIAL</b>	<b>COMPLETED</b>
			<b>X</b>	
<b>DESCRIPTION OF THE RESULTS</b>	This commitment is being fulfilled through an amendment of Act No. 106/1999 Coll., on Free Access to Information, as amended. The bill amending the Act was approved (Resolution No. 17) on 14 January 2015 by the Czech government and subsequently submitted to the Chamber of Deputies of the Czech Republic (lower house of the Parliament). The Chamber of Deputies debated the government bill under No. 395 and approved it on 8 July 2015. Subsequently the bill passed to the Senate (upper house), where it was debated as bill No. 113. The bill was approved by the Senate on 12 August 2015 and submitted for the President's signature. After signature, it was, in the form of Act No. 222/2015 Coll. dated 12 August 2015, amending Act No. 106/1999 Coll., on Free Access to Information, as amended, promulgated on 10 September 2015 and published in the Collection of laws, effective on the same day.			
<b>END DATE</b>	Completed on 10 September 2015			
<b>NEXT STEPS</b>	<ul style="list-style-type: none"> <li>Creation and publication of guidelines addressing changes that are being implemented with regard to free access to information.</li> </ul>			
<b>ADDITIONAL INFORMATION</b>				

(Description on what remains to be achieved, risks and challenges to implementing the commitment)

The Ministry of Interior shall prepare, based on the final approved wording of the amendment, guidelines facilitating implementation of the adopted changes into practice.

#### 4.3 II/3 Improving access to data and information

Same as the two previous commitments, this particular commitment formed a part of the first Action Plan for 2011 and responds to the OGP core values in the area of transparency and access to information. The objective of the updated commitment is to create infrastructure that will assist in increasing transparency by use of open data. Fulfilment of this commitment will be achieved in two stages: 1) opening and making data accessible, 2) drafting legislation creating a central catalogue of available data.

Using funding available under the Operational Programme Employment and Human Resources we have managed to draft guidelines and processes implementing open data and create the first part of data sets. Subsequently, we have also drafted guidelines for training for the public administration officials. In addition, we have put into operation the National Catalogue of Open Data, which already contains a significant part of data that were made accessible. With regard to the second stage of the commitment, i.e. creation of the legislative framework, we are currently in the process of preparing an amendment of the Act on Public Administration Information Systems, where planned deadline for approval of legislative changes is set in 2016. At present time, the bill is being commented on by various involved departments of state and we anticipate that the revised bill will be submitted to the government by the end of 2015.

II/3 Improving access to data and information		
<b>RESPONSIBILITY</b>	<b>LEADING IMPLEMENTING AGENCY</b>	Ministry of Interior
	<b>RESPONSIBLE PERSON</b>	Jaroslav Strouhal
	<b>TITLE / DEPARTMENT</b>	Deputy Minister of the Interior responsible for management of ICT Section
	<b>CONTACT PERSON</b>	Tomáš Kroupa
	<b>TITLE / DEPARTMENT</b>	Head of the Strategy and Standardization Unit, Department of Chief Architect of eGovernment
	<b>E-MAIL</b>	tomas.kroupa@mvcz.cz
	<b>TELEPHONE</b>	974 816 208 / 734 267 031
<b>OTHER PLAYERS</b>	<b>SPOLULEADING IMPLEMENTING AGENCY</b>	—
	<b>OTHER</b>	—



<b>MAIN OBJECTIVE</b>	<p>Make data gathered and created by the public administration accessible to professional and general public in a manner allowing their use for various purposes and in a number of software applications. These applications are created by the public (by professional public typically themselves) which may result in reducing the public administration costs related to presenting these data to the public.</p>			
<b>BRIEF DESCRIPTION OF COMMITMENT</b> <i>(140 character limit)</i>	<p>Creation of basic infrastructure improving transparency using open data. Includes legislative, methodological and education-related activities, as well as technology running the central catalogue.</p>			
<b>RELEVANCE</b> <i>(Brief description how this commitment is relevant to advancing OGP values)</i>	<p>This commitment aims to introduce principles supporting open data. An OGP core value emphasizes implementation of these principles on several levels.</p> <p>Accessibility of primary and statistical data describing activities of the public administration institutions will provide a tool for the public to effectively control performance and efficiency of individual institutions. It will also facilitate considerable insight into the management of large public budgets and assets.</p> <p>Ready availability of large amounts of data that are gathered by public institutions will facilitate development of the knowledge economy. Publicly accessible data will make research and discovery of new knowledge using data coming from various extensive sources considerably easier. Regular publication of data sets remains the key prerequisite for creation of a number of software applications for commercial and non-commercial use.</p> <p>Knowledge of facts and familiarity with data forms the basis for a meaningful civic participation in decision-making processes in all areas of public administration, starting with territorial planning and ending with focus of inspection-related activities.</p>			
	<b>OGP VALUES</b>			
	<b>ACCESS TO INFORMATION</b>	<b>CIVIC PARTICIPATION</b>	<b>RESPONSIBILITY</b>	<b>TECHNOLOGIES AND INNOVATIONS</b>
	<p>Pro-active publication of hitherto difficult-to-access data produced by the public administration.</p>	<p>Facilitating creation of software applications for civic participation in decision-making and control over relevant data.</p>	<p>Definition of the rights and obligations of the public administration bodies by statute with regard to publication / making data accessible</p>	<p>Provision of data will facilitate creation of new methods of commercial and non-commercial presentations of data produced by the public</p>



			a central evidence of open data, as well as recommendation as to the internal responsibilities within organizations.	administration by private and non-profit entities.
<b>AMBITION</b> <i>(intended policy results - how the commitments helps openness or how the openness improves governance)</i>	<p>Uniform methodological procedure for opening data, including provision of sample data sets will facilitate faster, respectively more efficient opening of public administration data, which will eliminate potential barriers to dissemination of open data in the public sector.</p> <p>The consequences include the opportunity of boosting the economy based on services and products that are based on innovative use of data, as well as the opportunity of supporting change within the public administration to achieve open administration, which is transparent and accessible to citizens and other entities.</p>			
<b>COMPLETION LEVEL</b>	<b>NOT STARTED</b>	<b>LIMITED</b>	<b>SUBSTANTIAL</b>	<b>COMPLETED</b>
			<b>X</b>	
<b>DESCRIPTION OF THE RESULTS</b>	<p>We have created a free-of-charge eLearning training course for the public administration sector dealing with “Open data.” We have also opened a free-of-charge training, whose dates are tailored to demand for training. Both education-related commitments are implemented by the Institute for Public Administration Prague according to predefined plan.</p> <p>We are also implementing a project to create guidelines and standards for publication of open public administration data, which should be completed on 30 November 2015, i.e. with a 8-month delay according to plan. This project is co-financed from the European Operational Programme Employment and Human Resources. This project produced draft guidelines and processes for implementing open data policies within various public administration institutions and bodies. This also produced a set of standards for 121 cross-section data sets. These guidelines and standards have been undergoing validation since 1 July 2015 at individual public administration institutions, and the final guidelines and standards will be produced integrating the comments received during this validation. These individual institutions involved in the validation are provided all required support in order to implement their open data policies and publication. Before this project is completed, we will organized 10 rounds of training to train at least 108 public administration officials in issues related to open data and use of the created final guidelines and standards.</p> <p>The above project for creation of guidelines will also produce a draft of legislative bill anchoring open data principles, especially in relation to the</p>			





	<p>Act on Public Administration Information Systems, with an effect on the Act on Free Access to Information, Act on Controls and the Copyright Act. Certain selected types of data will be published mandatorily by law. Among these mandatory open data will be data sets, for instance, in areas such as: control activities and offers of unnecessary assets to other public administration bodies. The planned deadline for submission of this bill is the end of 2015 and its approval is anticipated in 2016.</p> <p>The Czech National Catalogue of Public Administration Open Data (NCPAOD) was put into operation as planned on 10 April 2015, i.e. 7 weeks before the plan. As of 25 July 2015 there were 85 data sets provided by 8 public administration institutions, including Ministries, central bureaus, regional authorities and municipalities. The catalogue is published / available at the Public Administration Portal at <a href="http://data.gov.cz">data.gov.cz</a>. This catalogue contains, among other, the following metadata: name, description, curator, periodicity and updates, relevant time period, geographical area, key words and other. Detailed description of the catalogue system is provided at <a href="http://opendata.gov.cz">opendata.gov.cz</a> or at <a href="http://data.gov.cz">data.gov.cz</a>.</p>
<b>END DATE</b>	31 December 2016
<b>NEXT STEPS</b>	<ol style="list-style-type: none"> <li>1. Completion of the final wording of the Open Data Publication Guidelines and Standards – by 30 November 2015</li> <li>2. Training in open data publication – continuous in 2015 and 2016</li> <li>3. Development of the NCPAOD and its connection to the European Catalogue (harvesting interface) – continuously</li> <li>4. Adoption of legislative bill on open data – during 2016</li> <li>5. Provision of methodological support to involved institutions with regard to publication of their data – continuous.</li> </ol>
<b>ADDITIONAL INFORMATION</b>	
(Description on what remains to be achieved, risks and challenges to implementing the commitment)	
<p>This commitment will be completed as soon as the already ongoing activities will have been finalised. The largest risk affecting completion lies in the uncertain legislative process implementing open principle data principles into the Czech legal environment. It is very easy to implement considerable changes into the bill during the debates in the Parliament. Another challenge lies in precisely defining the list of data (sets) which are to be mandatorily published by the public administration institutions in the open data format.</p> <p>Another issue that has not be resolved is the future support to be provided to public administration institutions during opening of their data. During 2015 this support will be provided by the project team that is preparing the open data guidelines and standards. Future support is however not ensured, we anticipate that we will use funding available under the Operational Programme Employment.</p> <p>This commitment is also related to a planned activity to be undertaken by the Ministry of Interior aiming to provide financial support toward modifications of public administration institutions' information systems so that they are able to export data and provide periodical updates.</p>	

## 5 Progress on Eligibility Criteria

During the process of amending Act No. 106/1999 Coll., on Free Access to Information, which is the chief legislative tool to put into effect commitment “II/2 Streamlining the system of free access to information,” the Ministry of Interior published at its website the corresponding bill, above and beyond its commitment to facilitate public debate. The bill was therefore provided for comments to the general public, and about 10 entities used this opportunity to submit comments. Ministry of Interior subsequently asked some of the submitters to attend meetings at the Ministry (Civic association ‘Oživení’ and Open Society), which are considered to be important NGOs in the areas of rights to information and transparency of public administration. These public consultations and subsequent meetings raised several changes, which were integrated into the draft bill. Ministry of Interior thus facilitated a public debate on this amendment that ran concurrent to the standard inter-departmental comments procedure.

With respect to commitment “II/3 Improving access to data and information” IRM recommended to broaden the list of databases that should comply with the open data standards in the future. IRM recommended including the ‘Library of legislation in preparation’ among the shared databases. Despite that this task has not been included in either of the two OGP Action Plans, it is in line with the Anti-Corruption Action Plan for 2015, which had been approved by the Czech government on 15 December 2014 (Resolution No. 1057). Czech Republic thus decided to make this Library accessible to the public in the form of the portal available at <https://apps.odok.cz/kpl> (“**eKlep for the public**”). The public thus newly has access to all legislative materials including comments and opinions formulated by the Government Legislative Council.

## 6 Peer Exchange and Learning

### 6.1 Conference of the national contact points in OGP member countries

Czech Republic representatives took part in the **Conference of the national contact points in European OGP member countries in Tbilisi**, Georgia. This conference was designed for government coordinators at working level. The chief aim of the Conference was to strengthen cooperation and share expertise within the OGP community. The objective of the conference was to share experiences of the national officers in relation to the country’s membership in the OGP and in relation to fulfilling accepted commitments. The conference was attended by more than 30 member countries, OGP working group, IRM and by the multilateral partners (OECD, World Bank, Council of Europe, GRECO etc.). The conference served for exchange of experiences between the European countries, which can assist the member countries in faster implementation of ambitious reforms in the area of open government. The conference also introduced the most up-to-date approaches to organizing consultations with the civic society, to creating national action plans and training courses, to implementing accepted commitment and to coordinating, in general terms and in line with the new four-year OGP strategy 2015 - 2018 successful OGP processes on national level.

Knowledge obtained at this conference will be fully used in drafting of this Self-Assessment Report, as well as in the future reports describing fulfilment of commitment arising from the Second Action Plan and additionally, in creating the future third Action Plan in the first half of

2016. Czech Republic obtained the necessary feedback at the conference in connection how it should proceed in order to define and implement additional commitments as the OGP member. We have also gained many new contacts in other member countries in Europe and in associated organizations.

## **6.2 Discussions with the European Commission**

A number of meetings took place between the representatives of the Czech Ministry of the Interior and the European Commission, primarily focusing on commitment “II/1 Adoption of a new Act on Civil Service ensuring depoliticisation, professionalization and stabilisation of public administration and its implementation into practice.” There were three meetings between January and April 2015. The European Commission was informed by the Ministry about the progress and method of implementing the Act on Civil Service in the Czech Republic. The European Commission will continue to monitor individual steps and provide its recommendations and opinions. This monitoring by the European Commission will help Czech Republic in successful implementations of principles contained in this key law.

## **6.3 Conference organized by the Ministry of Interior**

Ministry of the Interior organized a conference dealing with commitment “II/2 Streamlining the system of free access to information” on 27 November 2014 with the title “**Right to information vs protection of information**” which was attended by representatives of Germany and Austria. The conference discussed actual issues related to implementing the right to information in the Czech Republic and experience with the same processes abroad, and with searching new ways of improving legal framework for provision of information in the Czech Republic. Specifically the attendees discussed issues relating to protection of applicants, including the possibility of establishing an institute of ‘information commissioner’, issues related to personal protection and personal data and the right to information and issues relating to potential abuse of the right to information by applicants. The conference was streamed on-line, with the audience being able to submit questions.

# **7 Conclusions, Other Initiatives and Next steps**

## **7.1 Lesson learned**

Czech Republic has created the second OGP Action Plan, whose chief objective is to implement commitment which the country adopted already in 2011. In order to fulfil this objective the Czech Republic utilized a large number of recommendations formulated by the IRM and published its Second Action Plan, which elaborated in more detail its previous commitments. The IRM evaluation conclusions represented a big contribution toward the created of the Second Action Plan and will without doubt contribute also to creation of the future OGP documents.

Despite great progress in completing individual commitments we must admit that there were certain delays during the legislative process following the approvals issued by the government, primarily with respect to steps which require legislative action and result in laws. The government will strive to prevent similar delays in the subsequent OGP National Action Plans. All newly accepted commitments will have a timeline that will appropriately respect potential protraction of individual phases within the legislative process.

It was practically impossible to organize broader consultations with the public as the first systemization and creation of civil service status (as of 1 July 2015) took place over a very short period of time (within six months) since the adoption of the Act on Civil Service, including preparation of implementing regulations, civil service instructions, guidelines and competition for new positions as well as coordination of civil service authorities. All consultations focused on the representatives of the civil service authorities. This fact will be reflected during creation of new commitments and the Czech Republic will in the future strive to observe OGP requirements to involve the general public in an appropriate and thorough consultation process. We would however like to note that all implementing regulation, related guidelines, civil service instructions drafted by the Deputy Minister of the Interior for the Civil Service, opinions of the Section for the Civil Service, responses provided by them to repeated questions have been continuously published at [www.mvcr.cz](http://www.mvcr.cz).

## 7.2 Other initiatives

The values promoted by OGP are very closely related to fulfilment of the Government Anti-Corruption Conception for the Years 2015 to 2017 as well as to the annual Anti-Corruption Action Plan, which is based on the government Conception. These documents formulate 4 priority areas, of which 3 are closely related to the OGP core values:

- Efficient and independent executive;
- Transparency and free access to information;
- Development of civil society.

The Czech government defined a number of tasks within these three areas of action, which fulfil the essence of values and key challenges formulated by the OGP and which develop them further. One of the initiatives, which were defined by the Czech government above the framework of standing agreements with OGP, was making the Electronic library of legislative process (“eKlep”) open to the public. All legislative documents will be now newly available to the general public, which will facilitate more civic participation in decision-making processes and management of public affairs, which form the necessary prerequisite to functional and democratic state pursuing rule of law. Another initiative underway at present time is adoption of legislation protecting whistle-blowers, which will further deepen potential civic involvement.

A great success has been achieved, outside the formulated OGP activities, in relation to commitment “II/1 Adoption of a new Act on Civil Service ensuring depolitisation, professionalization and stabilisation of public administration and its implementation into practice” in the form of building the Civil Service Information System, which is used by all civil service authorities and which also provides data to the general public. This information system was put into operation, according to the Act on Civil Service, by 1 January 2017, but it has been already in operation on 1 July 2015. This information system provides the public to with the opportunity to work with the civil servants database, see what civil service examination were taken and what positions are vacant within the civil service.

## 7.3 Next steps

Czech Republic will make every effort to fulfil its commitments toward OGP in the most efficient and high-quality manner. Czech Republic will, in the coming period, strive to interconnect future legislative steps of the government with the key challenges and values

defined by the OGP. The government drafts its anti-corruption policies and open-government guidelines with the full appreciation of its membership in the OGP.

One of the future objectives of the Czech Republic is to implement a more inclusive and extensive consultations during creation of the national action plan and self-assessment reports. These thorough consultations are one of the most important aspects during creation of new documents and the Czech Republic will make every effort to facilitate participation of extensive participation in the process on the part of professional and general public, which will assist in searching for new commitment and routes for their fulfilment. Cooperation with the IRM represents a key part of the process resulting in the self-assessment reports and the future Third Action Plan.

#### 7.4 Conclusion

OGP's supervision over the fulfilment of commitments adopted by the Czech Republic has a positive impact on the legislative changes, which relate to the areas of public administration transparency and open access to information. Thanks to these changes, we have managed to deepen the interconnection between the public administration and the professional and general public as well as NGOs that are active in these fields. All in all, Czech Republic is well poised to create and apply a responsible system of **open government**, which enables civic participation and facilitated public control, and which is the key to making functioning of the country more efficient and to facilitating mutual development of the entire country. Thanks to OGP, among other, Czech Republic adopted Act on Civil Service, which strengthens all aspects of open government. When all commitments specified here will have been fully completed, the public will have access to a wealth of information produced and collected by the public administration institutions. These data, readily accessible to general public, will facilitate better involvement in the management and decision-making of the state.

All individual commitments hereunder may be pronounced to have been substantially completed. Each of the commitments required that a legislative action is taken, which would define clear rules, whether concerning functioning of administration of the state, or making information available to the public. Within the framework of commitment defined as "II/1 Adoption of a new Act on Civil Servants ensuring depoliticisation, professionalization and stabilisation of public administration and its implementation into practice" we have adopted Act No. 234/2014 Coll., on Civil Service, which represents the material part of this commitment's fulfilment. This Act is accompanied by other regulation. The law already came into effect and at present time we are implementing it in practice, same as its 15 implementing regulations. Amendment of Act No. 106/1999 Coll., on Free Access to Information, which falls under commitment "II/2 Streamlining the system of free access to information," already completed its legislative process and is currently awaiting signature by the President of the republic. The last legislative action, falling under commitment "II/3 Improving access to data and information" will be submitted for inter-departmental comments procedure in September 2015. However, the most important step within the framework of this commitment was creation of clear open data publication guidelines, which are currently being finalised. Czech Republic is thus right on track in fulfilling all three commitments, which it adopted in 2011 in its first Action Plan, and which subsequently formed a part of the Second Action Plan of the Open Government Partnership Action Plan of Czech Republic 2014 – 2016 on time.

## 8 Annex

### 8.1 Published legislation and legislation being drafted

Published legislation and legislation being drafted relating to commitment defined as “II/1 Adoption of a new Act on Civil Service ensuring depoliticisation, professionalization and stabilisation of public administration and its implementation into practice”.

#### Published legislation:

##### I. Implemented by the Ministry of the Interior

1. **Government regulation defining fields of civil service**– No. 4/2015 Coll. dated 22 December 2014, promulgated 5 January 2015 becoming effective on that same date. This regulation was abolished on 4 May 2015 and replaced by a complex government regulation on fields of civil service.
2. **Decree defining the form of civil service identity card for officers authorized to carry out controls of civil service status in civil service authorities** – No. 63/2015 Coll. dated 30 March 2015, promulgated 7 April 2015 and becoming effective on 15 April 2015.
3. **Government Regulation on rules for organization of civil service authorities** – No. 92/2015 Coll. dated 8 April 2015, promulgated 20 April 2015, when it also became effective.
4. **Government Regulation on fields of civil service**– No. 106/2015 Coll. dated 22 April 2015, promulgated 4 May 2015, when it also became effective.
5. **Government Regulation on details of civil service assessment and the link of achieved results to the personal bonuses of evaluated civil servants** – No. 134/2015 Coll. dated 8 June 2015, promulgated 16 June 2015 and becoming effective on 1 July 2015.
6. **Government Regulation on other cases in which an individual may be awarded a civil service status for a fixed term** – No. 137/2015 Coll. dated 8 June 2015, promulgated 16 June 2015 and becoming effective on 1 July 2015.
7. **Government Regulation on other impediments to civil service, during which civil servants are entitled to salary** – No. 135/2015 Coll. dated 8 June 2015, promulgated 16 June 2015 and becoming effective on 1 July 2015.
8. **Government Regulation on equality of certain examinations and professional qualifications within the special part of the civil service examination** – No. 136/2015 Coll. dated 8 June 2015, promulgated 16 June 2015 and becoming effective on 1 July 2015.
9. **Government Regulation on serving from another location and on the rules for creating conditions for work life balance with the civil service** – No. 144/2015 Coll. dated 15 June 2015, promulgated 23 June 2015 and becoming effective on 1 July 2015.
10. **Government Regulation on measures relating to whistleblowing** – No. 145/2015 Coll. dated 15 June 2015, promulgated 23 June 2015 and becoming effective on 1 July 2015.
11. **Government Regulation on the serving at locations outside the Czech Republic during public holidays** – No. 161/2015 Coll. dated 24 June 2015, promulgated 1 July 2015 when it also became effective.

- 12. Decree on setting out details of civil service examinations** – No. 162/2015 Coll. dated 26 June 2015, promulgated 1 July 2015, when it also became effective.

II. Implemented by the Ministry of Labour and Social Affairs

- 13. Government Regulation on civil servants' salaries** – No. 304/2014 Coll. dated 8 December 2014, promulgated on 18 December 2014 and becoming effective on 1 January 2015.
- 14. Government Regulation on a catalogue of administrative activities** – No. 302/2014 Coll. dated 8 December 2014, promulgated on 18 December 2014 and becoming effective on 1 January 2015.

III. Implemented by the Ministry of Education, Youth and Sports

- 15. Ministerial Decree on Czech language examinations for applicants applying for a position within the civil service, who are not citizens of the Czech Republic** No. 175/2015 dated 10 July 2015, promulgated 15 July 2015, when it also became effective.

### Legislation in preparation

Implemented by the Ministry of the Interior

**Decree defining the form of civil service identity card** – to be implemented at a later stage, as the Act on Civil Service assumes that uniform identity cards will exist by 31 December 2019.

Implemented by the Ministry of Foreign Affairs

**Decree defining diplomatic and consular positions and the procedure of their warding and bestowing** – draft Decree has been discussed in August 2015 by respective committees of the Government Legislative Council.